

Message Text

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ACTION EA-14

INFO OCT-01 ISO-00 SSO-00 NSCE-00 INRE-00 IO-14 EB-11

COA-02 DLOS-06 PM-07 NSC-10 SPC-03 SS-20 RSC-01 L-03

CIAE-00 INR-10 NSAE-00 INT-08 ACDA-19 OMB-01 DPW-01

SCI-06 DRC-01 /138 W

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O 011050Z DEC 73

FM AMEMBASSY SEOUL

TO SECSTATE WASHDC IMMEDIATE 1339

SECDEF WASHDC IMMEDIATE

JCS WASHDC IMMEDIATE

INFO CINCPAC IMMEDIATE

S E C R E T SEOUL 8060

C O R R E C T E D C O P Y (TEXT PGH 6.

JOINT EMBASSY/UNC MESSAGE

1. (S) UNC HAS BEEN REPORTING DEVELOPMENTS ALONG NORTHERN LIMIT LINE (NLL) IN DETAIL AND RECENT JOINT EMBASSY/UNC MESSAGES DESCRIBE NOV 28 EVENTS AND SUBSEQUENT DEVELOPMENTS LEADING TO DEC 1 MILITARY ARMISTICE COMMISSION MEETING. WE BELIEVE OUR NOV 28 PROTEST AT PANMUNJOM, FLEET DIRECTIVES ISSUED BY COMMANDER OF UNC NAVAL FORCES, (REPORTED SEPARATELY), AND APPROACH WE TOOK IN MAC MEETING, WILL MEET FOR THE PRESENT THE IMMEDIATE NEEDS OF THE SITUATION CREATED BY NORTH KOREAN APPROACHES WITHIN RHAZHT CONTIGUOUS TO UNC CONTROLLED ISLANDS. WE ARE ADDRESSING SEPARATELY THE PROBLEM OF BS59\$-6'S DEMAND THAT PERMISSION BE OBTAINED FOR ACCESS TO THE FIVE ISLANDS.

2. (S) AT THE SAME TIME, HOWEVER, WE SEE BASIC AND DIFFICULT PROBLEMS FOR USG CAUSED BY NORTH MOVING SOUTH

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OF NLL IN ITS APPARENT ATTEMPTS TO ESTABLISH CLAIM

TO 12-MILE TERRITORIAL WATERS IN HAEJU AREA, AND W SEE
NEED TO PROVIDE ADDITIONAL DEFINITION OF OUR ROLE,
PRINCIPALLY TO ROKG.

3. (S) NON-CLANDESTINE AND REGULAR PATTERN OF NLL
CROSSINGS IN PAST MONTH AFTER 20 YEARS OF OBSERVING
THI LINE AS WELL AS THEIR STATEMENTS TO US AT DEC 1 MAC
MEETING INDICATE THAT NORTH IS MAKING CONSCIOUS EFFORT TO
ASSERT ITS RIGHT TO IGNORE NLL, AND OPERATE UP TO BUT SO
FAR NOT BEYOND 12-MILE REACH OF ITS OWN SHORES. TO DATE
NORTH HAS MADE THESE CROSSINGS USUALLY ON A DEFINITE PATROL
PATTERN. MOSXXXNY XZEM MILITARY RESPONSE GUIDED BY UN COMMANDER
USN NAVAL FORCES, WHO HAS OPERATIONAL CONTROL OF
ROK NAVY, HAS BEEN CAUTIOUS AND RESTRAINED. WHILE
CONTINUING REGULAR PARTOL AND SUPPLY RUNS, ROK
DESTROYERS AND PARTOL CRAFT HAVE FOR MOST PART BEEN
ORDERED TO OBEY STRICTLY RULES OF ENGAGEMENT, AND
HAVE NOT INTERFERED WITH NORTHERN CRAFT MOVEMENTS.

5. (S) ROKS HAVE TO DATE AGREED WITH OUR POSITION.
IN DEC 1 MEETING, DEFENSE MINISTER YU TOLD ACTING
COM USFK AND UNC NAVAL COMMANDER HE AGREED WITH ALL
DIRECTIVES ISSUED TO DATE. WHEN UNC REJECTED MND
YU'S SUGGESTIONS THAT "SHOULDERING TACTICS" AND PATROLS
CLOSE TO NNL BE TRIED MINISTER YU READILY ACCEPTED
OUR POSITION THAT THESE WOULD BE PROVOCATIVE ACTS.

6. (S) WHILE WE AND ROKS ARE OFFICIALLY IN STEP,
SOME OF MORE ACTIVIST ARMY MEMBERS ROK/JCS STAFF AND
THEIR SUBORDINATES HAVE WE KNOW CALLED FOR
MORE DIRECT REACTION. IT WAS PARTLY FOR THIS REA ON
I.E., TO COUNTER MORE STRIDENT VOICES WITHIN ROK
MILITARY AND TO EMPHASIZE POINT THAT H HAS COMMAND
OF ROK NAVY, THAT UNC NAVAL COMMAN
ER I SUEDED DIRECTIVES
ON MAINTAINING REGULAR ACTIVITY WHILE AVOIDING CONFLICT
AND IN ONE INSTANCE INTENSIFIED PATROLLING ON SEAWARD
SIDE IN VICINITY TWO ROK HELD ISLANDS. THROUGH THESE
MEASURES HE HAS IN FACT MAINTAINED CONTROL OF SITUATION
BUT PRESSURES FROM SOME ON ROK MILITARY SIDE FOR MORE
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ACTIVE REACTION MAY CONTINUE.

7. (S) AS WE SEE IT, TERRITORIAL SEA PROBLEMS RAISED
BY NLL LINE CROSSINGS AND NORTH KOREAN ATTEMPT TO
ESTABLISH 12-MILE TERRITORIAL SEAS ARE NOT WITHIN
PURVIEW OF UNC. UNC ROLE IS PRESERVATION OF PEACE
IN PENINSULA AND MAINTAINING OF ARMISTICE. IN PRESENT
SITUATION, WHAT IS HAPPENING INVOLVES A COMPLEX OF

FACTORS INVOLVING LAW OF THE SEA AND INCLUDING SUCH QUESTIONS AS TERRITORIAL WATERS, FISHERIES, (AREA BELOW NLL INCLUDES ROK FISHING GROUNDS), AND POTENTIAL SECURITY QUESTION, FROM ROK POINT OF VIEW, GIVEN PROXIMITY OF INCHON APPROACHES. HOWEVER, AS NOTED ABOVE THESE APPEAR BILATERAL MATTERS BETWEEN ROK AND NORTH, NOT A UNC RESPONSIBILITY. THESE PROBLEMS ARE DISTINCT FROM THOSE RAISED BY TODAY'S NK STATEMENT ON ACCESS TO FIVE UNC-CONTROLLED ISLANDS.

8. (S) IT IS CLEAR THAT ROKG WILL CONTINUE TO TAKE NORTH KOREAN INCURSIONS SERIOUSLY AND WISH TO INVOLVE, IN FIRST INSTANCE, THE UNC AND SECONDLY ROK NAVY UNITS UNDER OUR OPERATIONAL CONTROL. WHATEVER WE DO THERE IS ALREADY INCREASED POTENTIAL FOR INCIDENTS IF ONLY BY VIRTUE OF FACT NORTH KOREAN HAVE CHANGED THE GROUND RULES OBTAINING IN THE AREA FOR THE PAST 20 YEARS. HOWEVER, EMBASSY/UNC BELIEVE WE MUST CONTINUE TO RESIST INVOLVING THE COMMAND OR UNITS UNDER ITS CONTROL IN ANYTHING BUT ITS MISSION.

9. (S) SITUATION WE FACE IN SUMMARY IS POSITIVE, CALCULATED THRU T BY NORTH IN AN AREA OF CONFRONTATION WHERE WE HAVE RESPONSIBILITIES FOR ROK FORCES BUT WE MAY NOT BE GUARANTEE CONTINUED CONTROL OVER ACTIONS OF OUR OWN SIDE, LET ALONE ACTIONS BY NORTH. IF NORTH AND SOUTH KOREA WERE BEST OF FRIENDS AND SHOOTING WERE NOT A DANGER, TWO SIDES WOULD FACE MAJOR NEGOTIATING PROBLEM IN WORKING OUT BOUNDRIES IN NLL AREA.

10. (S) ACCORDINGLY, EMBASSY/UNC BELIEVE THAT IN REGARDS
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TO PROBLEM OF NLL CROSSING WE SHOULD TAKE FOLLOWING POSITION WITH MOFA AND ROK MILITARY:

A.) THE UNC HAS NEITHER RESPONSIBILITY NOR AUTHORITY TO DETERMINE JURISDICTION OVER TERRITORIAL WATERS AND CANNOT BECOME INVOLVED IN QUESTIONS REGARDING TERRITORIAL WATERS, NOR NLL, WHICH HAS NO LEGAL STANDING, BEYOND TERMS OF ARMISTICE AGREEMENT. FORCES UNDER UNC OPERATIONAL CONTROL MAY ONLY BE USED WHERE SECURITY ROK CLEARLY INVOLVED.

B.) WE BELIEVE THAT DETERMINATION RESPECTIVE AREAS OF CONTROL IS PRIMARILY SOUTH/NORTH QUESTION THAT ROKS SHOULD PURSUE IN THEIR BILATERAL CONTACT WITH NORTH.

11. (S) ROKS MAY REACT NEGATIVELY TO THIS STATEMENT
OF OUR POSITION AND MAY THREATEN UNILATERAL ACTION TO
MAINTAIN NLL AND OTHER BOUNDARY LIMITS. THEY MIGHT
DECIDE TO ATTEMPT TO ENFORCE 12-MILE LIMIT. WE
BELIEVE ABOVE APPROACH IS ESSENTIAL. HOWEVER, IF WE
ARE TO KEEP FROM BECOMING INVOLVED IN COMPLEX DISPUTE
WHERE ROKS WOULD ATTEMPT TO USE US FOR THEIR AND NOT
NECESSARILY OUR OWN INTERESTS.
UNDERHILL

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